IN THE COURT OF APPEALS OF THE STATE OF MISSISSIPPI

NO. 2018-CA-01517-COA

KEITH LEE NEELY **APPELLANT**

v.

CYNTHIA L. NEELY **APPELLEE**

DATE OF JUDGMENT:	08/13/2018
TRIAL JUDGE:	HON. DOROTHY WINSTON COLOM
COURT FROM WHICH APPEALED:	CLAY COUNTY CHANCERY COURT
ATTORNEYS FOR APPELLANT:	RICHARD SHANE McLAUGHLIN LUANNE STARK THOMPSON
ATTORNEY FOR APPELLEE:	CARRIE A. JOURDAN
NATURE OF THE CASE:	CIVIL - DOMESTIC RELATIONS
DISPOSITION:	AFFIRMED - 05/05/2020
MOTION FOR REHEARING FILED:	
MANDATE ISSUED:	

BEFORE CARLTON, P.J., GREENLEE AND McCARTY, JJ.

CARLTON, P.J., FOR THE COURT:

¶1. Keith Neely and Cynthia Neely agreed to an irreconcilable-differences divorce, with the Clay County Chancery Court deciding property division, alimony, and attorney's fees. The chancellor ultimately determined that the marital home was part of Cynthia's separate estate. The chancellor declined to award alimony to Keith and held that each party was responsible for his and her own attorney's fees.

¶2. Keith now appeals from the chancery court's judgment regarding the contested matters, specifically: (1) whether the chancellor erred in determining that the marital home was separate property; (2) whether the chancellor erred by declining to award alimony; (3) whether the chancellor erred by failing to conduct an on-the-record analysis of the

Armstrong[1] factors; and (4) whether the chancellor abused her discretion by inequitably distributing the marital property.

¶3. After our review, we find the chancellor did not abuse her discretion in classifying the marital home as Cynthia's separate property or in declining to award alimony. We therefore affirm the chancellor's judgment.

FACTS

¶4. Keith and Cynthia were married in November 1976. The marriage produced two children, who were emancipated at the time of the divorce. The parties separated in May 2015. On May 22, 2015, Cynthia filed for a divorce on the grounds of habitual cruel and inhuman treatment, and/or in the alternative, irreconcilable differences.

¶5. On June 17, 2016, Keith and Cynthia entered into an agreed temporary order where Cynthia was awarded the exclusive temporary use and possession the marital home, subject to Keith's rights to ingress and egress to the shop and shed located on the property where Keith maintained tools and supplies related to his work.

¶6. In December 2016, Cynthia filed an emergency motion for contempt and modification of the temporary order. In her motion, Cynthia claimed that Keith continually harassed and threatened her and exhibited destructive behavior at the marital home. On December 12, 2016, the chancellor entered an order awarding Cynthia the sole use and possession of the former marital home, shop, and surrounding land. The order provided Keith twenty-four hours to remove any equipment from the shop that he needed to operate his business and

[1] *Armstrong v. Armstrong*, 618 So. 2d 1278, 1280 (Miss. 1993).

prohibited him from thereafter going on the property or harassing Cynthia.

¶7. A trial was held on April 24, 2018. Prior to the trial, the parties informed the chancellor that they were consenting to an irreconcilable-differences divorce and submitting the issue of equitable distribution to the chancellor; specifically: (1) whether the marital home was part of Cynthia's separate estate, (2) whether Cynthia was to reimburse Keith for certain veterinarian bills associated with the death of one of Keith's dogs,[2] (3) whether Keith was entitled to alimony, and (4) attorney's fees.

¶8. In his final judgment entered on August 13, 2018, the chancellor determined that the marital home was part of Cynthia's separate estate. The chancellor explained that "[t]he record is clear that the marital home was not owned by the parties during the majority of the marriage." Cynthia's stepmother, Carolyn Lott, testified that she and Cynthia's father purchased the home in 1993 so that Keith and Cynthia would have a place to live. Cynthia's parents maintained title to the home, and Keith and Cynthia were "lessees" during this period. In June 2013, Cynthia alone was deeded the marital home pursuant to her father's will. After being deeded the property, Keith and Cynthia continued to reside in the marital home as a family for two years prior to separating in May 2015. The chancellor ultimately determined that the marital home was not converted to marital property and remained

[2] Keith does not appeal the chancellor's finding as to this issue. In the final judgment, the chancellor found that Keith had previously sued Cynthia in justice court seeking damages for the loss of the dog. The chancellor stated that in that matter the justice court determined that Cynthia "was . . . not guilty." The chancellor held that Keith offered no evidence in support of his claim other than veterinarian bills, which did not reflect that Keith was the one who paid the bills. The chancellor also held that "the matter has already been adjudicated in [j]ustice [c]ourt" and that Keith cannot "now 'appeal' said decision to this [c]ourt."

Cynthia's separate estate. The chancellor observed that from the time Cynthia's parents purchased the home and after Keith and Cynthia's separation, "the parties clearly lived by the premise that 'what's mine is mine,' NOT 'what's mine is yours.'"

¶9. The chancellor found that the equitable division of marital assets adequately provided for the future income needs of both Keith and Cynthia, and she therefore declined to award alimony. The chancellor also held that each party was responsible for his and her own attorney's fees.

¶10. Cynthia filed a motion for reconsideration, and Keith filed a motion to amend the judgment or, alternatively, for a new trial. The chancellor denied both motions. This appeal followed.

STANDARD OF REVIEW

¶11. "When reviewing a decision of a chancellor, this Court applies a limited abuse of discretion standard of review." *Castle v. Castle*, 266 So. 3d 1042, 1048 (¶24) (Miss. Ct. App. 2018) (quoting *Mabus v. Mabus*, 890 So. 2d 806, 810 (¶14) (Miss. 2003)). Where the chancellor's opinion is supported by substantial evidence, we will not disturb the opinion "unless the chancellor abused [her] discretion, was manifestly wrong, clearly erroneous, or an erroneous legal standard was applied." *Id*. at 1048-49 (¶24).

DISCUSSION

I. Classification of Marital Home as Separate Property

¶12. Keith first argues that the chancellor erred by classifying the marital home as Cynthia's separate property. Keith maintains that Cynthia acquired the marital home during

the marriage and that the parties lived together in the home during the marriage, and therefore the home is marital property under Mississippi law. Keith asserts the chancellor incorrectly concluded that because Keith and Cynthia paid separate bills, and because the home was in Cynthia's parents' names for most of the marriage, the home was Cynthia's separate property. Keith argues that under Mississippi law, inherited property can be commingled like any other property.

¶13. We recognize that in Mississippi, there is "a general presumption that property acquired during a marriage constitutes marital property." *Allgood v. Allgood*, 62 So. 3d 443, 447 (¶12) (Miss. Ct. App. 2011). The Mississippi Supreme Court has clarified that "assets acquired or accumulated during the course of a marriage other than assets attributable to a spouse's separate estate either prior to the marriage or outside the marriage" is marital property, and "gifts and inheritances received during marriage constitute the separate property of a spouse." *Id*. (citing *Hemsley v. Hemsley*, 639 So. 2d 909, 915 (Miss. 1994), and *Ferguson v. Ferguson*, 639 So. 2d 921, 928 (Miss. 1994)); *see also Rhodes v. Rhodes*, 52 So. 3d 430, 441 (¶40) (Miss. Ct. App. 2011) ("Property acquired in a spouse's individual capacity through an inter-vivos gift or inheritance is separate property, even if such property is acquired during the marriage."). However, "[s]pouses may convert separate property to marital property through actions of the owning spouse . . . through the following actions: conversion by implied gift, family use, or commingling." *Allgood*, 62 So. 3d at 447 (¶13) (footnote omitted) (citing *Yancey v. Yancey*, 752 So. 2d 1006, 1011 (¶20) (Miss. 1999)). The supreme court has held that "[a]ssets [that] are classified as non-marital, such as inheritances,

may be converted into marital assets if they are commingled with marital property or utilized for domestic purposes, absent an agreement to the contrary." *Boutwell v. Boutwell*, 829 So. 2d 1216, 1221 (¶20) (Miss. 2002).

¶14. Because of the presumption that assets owned by a spouse are marital property, "the party seeking to classify property as separate, or non-marital, bears the burden of tracing the asset to a separate-property source." *Allgood*, 62 So. 3d at 447 (¶13) (citing Deborah H. Bell, *Bell on Mississippi Family Law* § 6.05[2] (1st ed. 2005)). A spouse asserting a separate ownership interest in property may maintain that separate interest "by tracing the commingled separate funds[.]" *Id*. However, "the supreme court has generally refrained from allowing separate ownership to be established in this fashion as to certain assets such as the family home, where the family-use doctrine would apply." *Id*. We recognize, though, that "*the case law in this area has not always been consistent*." *Id*. Significant to the case before us, we acknowledge that "the family-use doctrine will almost always convert a separately owned 'marital' home to marital property." *Faerber v. Faerber*, 13 So. 3d 853, 861 (¶28) (Miss. Ct. App. 2009); *see also Palmer v. Palmer*, 121 So. 3d 260, 263 (¶9) (Miss. Ct. App. 2013) ("Although the home was clearly [the husband's] separate property prior to his marriage to [the wife], the parties lived in the home as a married couple. As such, the home was converted into a marital asset."); *McDuffie v. McDuffie*, 21 So. 3d 685, 691 (¶17) (Miss. Ct. App. 2009) (affirming a chancellor's finding that the family home was marital property because it "was brought into the marriage by [the husband], but it was converted to a marital asset because it was used by the family").

¶15. On appeal, Cynthia maintains that she satisfied her burden of tracing the marital home to a separate property source, so the home is her own separate property. Cynthia asserts that she inherited the property in June 2013 after her father passed away. Cynthia's father's estate deeded the marital home to Cynthia, and the warranty deed is only in Cynthia's name. Cynthia asserts that after acquiring the property, she made all tax and insurance payments related to the property from her own separate checking account.

¶16. In the final judgment, the chancellor discussed the marital home and classified it as Cynthia's separate estate, explaining:

> Taking into consideration the facts as set forth as well as the prior cases on the family[-]use doctrine, as well as the fact that the parties continued to maintain separate bank accounts after [Cynthia] was deeded the marital home in June 2013, that [Cynthia] continued to make all payments associated with the marital home (taxes and insurance), that the parties lived as a family for only two years in the marital home after the same was deeded to [Cynthia], that during this period [Keith] only planted [eight] trees and he now wants the same returned to him, the [c]ourt finds that the marital home was not converted to marital property and remained [Cynthia]'s separate estate. Since 1993, and certainly after June 2013, the parties clearly lived by the premise that "what's mine is mine," NOT "what's mine is yours"!

¶17. The chancellor further found:

> The record is clear that the marital home was not owned by the parties during the majority of the marriage. Title remained with [Cynthia's] parents. The Court finds that the parties were mere "lessees" during this period. [Cynthia] made all rental payments (when made) and paid the bulk of the expenses associated with the home from 1993 until she was deeded the property in 2013. All contributions made by [Keith] to the upkeep of the home appeared to have taken place prior to 2013 and were minor and typical of those made by lessees. All major repairs were paid for by the "landlords."

The chancellor acknowledged that after Cynthia was deeded the property in June 2013, the parties continued to reside in the marital home as a family for two years prior to their

separation. The chancellor observed that during this time, their children were emancipated, so only Keith and Cynthia lived in the home during this two-year period.

¶18. As to the value of the home, the chancellor stated that Cynthia estimated the value of the marital home to be between $135,000 and $138,000 based on two appraisals commissioned by the parties in 2016 and 2017. The chancellor acknowledged that Keith had another appraisal commissioned in April 2018, and that appraiser valued the marital home at $190,000. The chancellor ultimately determined the value of the marital home to be $136,750.

¶19. In *Faerber*, 13 So. 3d at 861 (¶28), this Court held that the chancellor abused his discretion in classifying the family home as the husband's separate property. In that case, the husband and wife built the family home after they were married. *Id*. at 861 (¶29). The husband and wife lived in the home with their children for ten years, until their separation. *Id*. This Court therefore determined that the family-use doctrine was triggered. *Id*. Although the husband testified that he paid for the home, the wife testified that she separately contributed to the home's equity through her contributions as a homemaker, sweat equity, and financial investment. *Id*. On appeal, this Court explained that the chancellor erred by failing to consider the following: "(1) the family's use of the home, (2) [the wife's] separate contributions to the home, and, (3) [the wife's] contribution as a homemaker." *Id*. at (¶28). This Court remanded the case with instructions for the chancellor to consider "the contributions of both spouses, the impact of the family-use doctrine, and any liens on the family home when he classifies, valuates, and distributes the family home." *Id*. at (¶31).

¶20. In *Harmon v. Harmon*, 141 So. 3d 37, 44-45 (¶¶26, 32) (Miss. Ct. App. 2014), the chancellor classified the marital home as a marital asset but awarded the home and its equity to the wife. The husband appealed, claiming that "he was entitled to ownership or some cut of the [marital] home[.]" *Id*. at 44 (¶27). This Court affirmed the chancellor's judgment and agreed with the chancellor's finding that the wife "contributed more financially to the acquisition, purchase, and construction of the [marital] home." *Id*. at 45 (¶29). The chancellor explained that the mortgage was solely in the wife's name; the wife had made some of the mortgage payments (although the husband also made some mortgage payments); the wife had made substantial financial contributions from her personal funds into the construction of the house; the wife took care of the home and family; and the wife had strong emotional ties to the house. *Id*. at 44-45 (¶¶28-30).

¶21. In the more recent case of *Castle v. Castle*, 266 So. 3d 1042, 1051 (¶37) (Miss. Ct. App. 2018), *cert. denied*, 267 So. 3d 278 (Miss. 2019), this Court held a chancellor did not err in determining that the family home was marital property after finding that the husband failed to rebut the presumption "that all property acquired during marriage is equitable property." In that case, the husband's father gifted the land on which the house sat to both the husband and wife as joint tenants with rights of survivorship. *Id.* at 1050 (¶34). However, this Court explained that "that is not the end of the inquiry." *Id*. This Court found that "the gift was made three years before the parties separated, and the clear purpose of the gift was to allow [the parties] to build a new home for their family." *Id*. at (¶34). This Court therefore held that "[u]nder the circumstances, the chancery court properly treated the gift

as a gift to the marital union, not as a gift of separate property to [the husband] alone." *Id*. This Court also explained that "it is clear that the parties both contributed time and efforts to the planning, design, and construction of the . . . house." *Id*. at 1051 (¶35).

¶22. Additionally, in *Sims v. Sims*, 169 So. 3d 937, 941 (¶13) (Miss. Ct. App. 2014), this Court affirmed a chancellor's finding that a marital home was a marital asset. In that case, the husband moved into the wife's home after the parties married in 1998. *Id*. at 939 (¶4). The wife testified that prior to 1997, the deed listed both of her parents' names with a right of survivorship. *Id*. In 1997, the wife's father transferred his half of the deed to her. *Id*. When the wife's mother died in 2001, the mother's part of the deed transferred back to the father based on the right of survivorship. *Id*. The same year, the husband and the father signed a quitclaim deed transferring their interest in the home to the wife. *Id*. Around this time, the husband and wife used the home as collateral to obtain a loan, and both parties were listed as the loan borrowers. *Id*. at (¶5). The husband testified that he paid the monthly mortgage from the time the loan was obtained until 2011. *Id*. The chancellor ultimately determined that the marital home was a marital asset, and not separate property. *Id*. at 940 (¶7).

¶23. On appeal, the wife argued that even if the parties commingled their nonmarital assets, the quitclaim deed in her name reflected an "agreement to the contrary" that secured the home as a nonmarital asset. *Id*. at 941 (¶13). However, this Court explained that "[the] supreme court has declared that the formal state of a title is 'no longer determinative in deciding a spouse's rights to the property.'" *Id*. (quoting *Maslowski v. Maslowski*, 655 So.

2d 18, 21 (Miss. 1995)). This Court further found that the parties "lived in [the] home together for nearly ten years after the quitclaim deed was signed, using the home as collateral for a joint loan." *Id*. This Court agreed with the chancellor that "these actions resulted in the commingling of nonmarital and marital assets." *Id*.

¶24. In the case before us, the record reflects that at trial Cynthia's stepmother, Carolyn Lott, testified that she and her husband purchased the home in 1993 so that Keith and Cynthia would have a place to live. Lott testified that she and her husband agreed to rent the home to Keith and Cynthia at a reduced rate of rent with the goal for Keith and Cynthia to eventually assume the payments. However, Lott testified that Keith and Cynthia never paid the rent on a timely basis until 2003, when Cynthia began teaching art. Both Lott and Cynthia testified that Cynthia made all the rental payments, both prior to 2003 and after. Keith did not dispute this testimony.

¶25. Keith and Cynthia testified that after they moved into the marital home in 1993, they maintained separate finances and continued to do so throughout their marriage. Cynthia testified that she paid for her car, the rent, the electric bill, and the groceries, and Keith paid the water and telephone bills, purchased supplies for his business, and paid for his vehicle. Cynthia later conceded that Keith did help pay for the groceries. Cynthia also testified that she took care of their two children.

¶26. Cynthia's father (and Lott's husband) died in December 2012. In June 2013, Cynthia and Lott agreed that Lott would deed the marital home and 8.9 acres solely to Cynthia, in lieu of a lump-sum cash payment in the amount of $50,000 that Cynthia was entitled to receive

pursuant to her father's will. Cynthia testified that after 2013, she paid for the home insurance and the property taxes. Cynthia testified that after she and Keith separated, she maintained and paid all costs and expenses associated with the marital home including the property taxes, home insurance, home repairs, and replacing the refrigerator.

¶27. Lott and Cynthia both testified that Lott and her husband, as the landlords, made all major repairs associated with the marital home. Cynthia testified that Keith made small repairs, like fixing a drain. Cynthia testified that Keith did nothing to help her acquire the marital home or property. However, Keith testified that he mowed the lawn and kept the property clear from overgrown vegetation; planted trees (including eight chestnut trees); replaced a water heater, several commodes, and light fixtures; turned the carport into a den; and refinished the deck.

¶28. Our review of the chancellor's judgment reflects that in determining that the marital home was Cynthia's separate property, she considered the fact that the parties maintained separate finances and bank accounts after moving into the marital home in 1993, and they continued to do so throughout their marriage. After Cynthia was deeded the marital home in June 2013, Cynthia continued to make all payments associated with the marital home. The chancellor also considered the fact that after Lott deeded the house to Cynthia, the parties lived there without their children because, at that point, their children were already emancipated. Additionally, after Lott deeded Cynthia the house, the parties only lived there for a period of two years. The chancellor also set forth the separate contributions of both Cynthia and Keith to the home, both financial and otherwise. The chancellor acknowledged

that the marital home had no debt, and she reviewed three separate appraisals performed on the home and accordingly valued the home at $136,750. *See Faerber*, 13 So. 3d at 861 (¶¶28, 31).

¶29. After reviewing the record before us, we agree with the chancellor's finding that Cynthia met her "burden of tracing the [marital home] to a separate-property source." *Allgood*, 62 So. 3d at 447 (¶13). Furthermore, Cynthia was able to "trac[e] the commingled separate funds." *Id*. We therefore cannot say that the chancellor's classification of the marital home as Cynthia's separate property was manifestly wrong or clearly erroneous.

II. Alimony

¶30. Keith argues that the chancellor erred by declining to award him alimony. Keith also argues that the chancellor erred by failing to conduct an on-the-record analysis of the *Armstrong* factors. Keith asserts that if the chancellor had conducted a proper *Armstrong* analysis, an award of alimony "would have been obviously implicated."

¶31. "Alimony awards are within the discretion of the chancellor . . . [and] will not be reversed on appeal unless the chancellor was manifestly in error in [her] finding of fact and abused [her] discretion." *Harris v. Harris*, 241 So. 3d 622, 625 (¶6) (Miss. 2018) (quoting *Armstrong v. Armstrong*, 618 So. 2d 1278, 1280 (Miss. 1993)). We recognize that "the chancellor is given wide latitude in determining an alimony award." *Gutierrez v. Gutierrez*, 233 So. 3d 797, 811 (¶33) (Miss. 2017). The supreme court has held that "[a]n award of alimony can be determined only after the chancellor has equitably divided the marital estate and determined that one spouse has suffered a deficit." *Id*. at 807 (¶21).

¶32. When determining whether an award of alimony is warranted, chancellors must consider the factors set forth by the supreme court in *Armstrong*, 618 So. 2d at 1280:

> (1) the income and expenses of the parties; (2) the health and earning capacities of the parties; (3) the needs of each party; (4) the obligations and assets of each party; (5) the length of the marriage; (6) the presence or absence of minor children in the home, which may require that one or both of the parties either pay, or personally provide, child care; (7) the age of the parties; (8) the standard of living of the parties, both during the marriage and at the time of the support determination; (9) the tax consequences of the spousal support order; (10) fault or misconduct; (11) wasteful dissipation of assets by either party; or (12) any other factor deemed by the court to be just and equitable in connection with the setting of spousal support.

Meador v. Meador, 44 So. 3d 411, 418 (¶22) (Miss. Ct. App. 2010).

¶33. In her judgment, the chancellor made the following finding with respect to alimony:

> The Court further finds that the equitable division of marital assets does adequately provide for the future income needs of the parties and declines to award alimony. In arriving at this decision, the Court took into consideration the age and health of the parties, the fact that [Keith] has medical insurance through the VA, [Cynthia's] separate estate, their income (for the last [ten] years the parties have earned essentially the same income according to [Keith]), neither party has significant debt, the fact that there are no longer any minor children in the home, the parties have maintained separate finances for over [twenty] years, and that neither party has access to [Cynthia's] PERS account until she retires.

¶34. On appeal, Keith claims that the chancellor failed to consider the "stark disparity" in the income and expenses of the parties, stating that the Uniform Chancery Court Rule 8.05 statements reflect that Keith's income was $1,642 per month and Cynthia's monthly income was $4,210. Keith also asserts his monthly expenses exceed his monthly income by more than $1,000 per month. Keith states that he currently owes $44,980 in loans and credit cards, while Cynthia's Rule 8.05 statement reflected $22,637 in total liabilities.

¶35. Keith also asserts that in the final judgment the chancellor never cited *Armstrong* nor listed out the *Armstrong* factors. Keith admits that the chancellor referenced several, but not all, of the *Armstrong* factors in the paragraph addressing alimony. However, Keith argues that the chancellor failed to address the following factors: the effect of Keith's hospitalization and his decreased income; the length of their marriage; or the parties' respective standards of living, particularly with Cynthia being awarded the single largest asset as her separate estate.

¶36. Cynthia argues that the chancellor properly found that alimony was not warranted and maintains that the chancellor based her decision largely on the fact that there was very little marital debt as well as the fact that Keith and Cynthia have maintained separate finances and checking accounts for the duration of their marriage.

¶37. The supreme court has mandated that the *Armstrong* factor findings "be considered on the record in every case." *Lowrey v. Lowrey*, 25 So. 3d 274, 280 (¶7) (Miss. 2009). However, in *Goellner v. Goellner*, 11 So. 3d 1251, 1258 (¶24) (Miss. Ct. App. 2009), we noted that

> [w]hen the chancellor fails to address all factors on-the-record, we are not required to remand the case, and should not, so long as all facts are available to us so as to allow an equitable determination to be made. Thus, a lack of an on-the-record consideration of the *Armstrong* factors by a chancellor in making his determination of the appropriateness of an alimony award will only be reversed if, after a review of all facts and application of the *Armstrong* factors, it appears that the chancellor's failure to make findings of fact and corresponding conclusions of law constitutes manifest error.

Id. (quoting *Dorsey v. Dorsey*, 972 So. 2d 48, 54 (¶17) (Miss. Ct. App. 2008)). This Court further explained that "even if the chancellor has failed to delineate all the factors on the

record, where all the facts are available to us, we are not required to remand the case to the trial court." *Id*. In *Goellner*, this Court held that "although the chancellor may not have expounded on every *Armstrong* factor, he gave ample consideration to them when arriving at his decision." *Id*.

¶38. Our review of the chancellor's judgment in its entirety reflects that while the chancellor did not list out every *Armstrong* factor or even cite to *Armstrong*, she did consider the *Armstrong* factors when making her determination that no alimony was warranted. Furthermore, the chancellor's findings with regard to alimony are supported by substantial evidence; namely, the testimony from the parties that they have maintained separate finances for the majority of their marriage, and the parties' Rule 8.05 financial statements. Accordingly, we find that the chancellor was within her discretion to deny alimony to Keith.

III. Distribution of the Property

¶39. Finally, Keith claims that the chancellor abused her discretion because the distribution of the property was inequitable.

¶40. On appeal, "[w]e review the chancellor's equitable distribution of the marital estate 'to ensure that the chancellor followed the appropriate standards and did not abuse his discretion.'" *Castle*, 266 So. 3d at 1049 (¶25). We recognize that "equitable distribution does not mean equal distribution." *Palmer v. Palmer*, 121 So. 3d 260, 263 (¶10) (Miss. Ct. App. 2013). Chancellors are not required to award each spouse "half of an interest in the property." *Id*. Rather, "equitable distribution is a fair division of marital property based on the facts of each case." *Id*.

¶41. Keith's argument in his appellate brief as to this issue is comprised of the following five sentences:

> The [c]hancellor's distribution of marital assets in this case was inequitable and rises to an abuse of discretion. As discussed above, the distribution erroneously treated the bulk of the marital estate as Cynthia's separate property. The [c]hancellor treated the entire value of the home - $136,500 - as separate property. Keith received a paltry distribution of assets in the [c]hancellor's distribution and no award of alimony. The [c]hancellor's property distribution was an abuse of discretion and should be reversed and remanded.

Keith failed to provide any specific examples or any other meaningful discussion about this issue in his brief. *See Price v. Clark*, 21 So. 3d 509, 528 (¶50) (Miss. 2009) (court will not consider arguments not briefed on appeal). Furthermore, this Court found no abuse of discretion with respect to the chancellor's classification of the marital home as separate property and the chancellor's decision not to award alimony.

¶42. Our review of the chancellor's equitable distribution of the marital estate reflects that in the final judgment, the chancellor enumerated and discussed each *Ferguson* factor and applied each factor to the facts of this case. We therefore find that the chancellor acted within her discretion in applying the *Ferguson* factors and dividing the marital property.

¶43. **AFFIRMED.**

J. WILSON, P.J., GREENLEE, WESTBROOKS, TINDELL, McDONALD, LAWRENCE, McCARTY AND C. WILSON, JJ., CONCUR. BARNES, C.J., NOT PARTICIPATING.